

## PROTOCOL

defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar

### *Article 1*

Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Madagascar's fishing zone shall be granted to 42 freezer tuna seiners and 16 surface longliners for a period of three years beginning on 21 May 1995.

In addition, at the request of the Community, authorization may be granted for other categories of fishing vessel under conditions to be laid down in the Joint Committee referred to in Article 9 of the Agreement.

### *Article 2*

The amount of the contribution referred to in Article 7 of the Agreement shall be ECU 1 350 000 for the duration of the Protocol, payable in three equal annual instalments. This amount is to cover an annual catch of 9 000 tonnes of tuna in Malagasy waters; if the tuna caught by Community vessels in Madagascar's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased.

### *Article 3*

1. The Community shall also, during the period referred to in Article 1, contribute ECU 375 000 to finance a Malagasy scientific programme to improve knowledge of the highly migratory species existing in the Indian Ocean around Madagascar.

At the request of the Government of Madagascar, this contribution may take the form of assistance with the costs of international meetings to improve knowledge of those species and the management of fishery resources.

2. The competent Malagasy authorities shall send the Commission a summary report on the use of those funds.

3. The Community contribution to the scientific programme shall be paid into the account indicated by the Malagasy authorities.

### *Article 4*

1. The two parties hereby agree that increasing the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. The Community shall therefore facilitate the entry of Malagasy nationals to establishments in its Member States and, for this purpose, shall make available to them study or practical training awards lasting a maximum of five years in the various scientific, technical and economic fields and in related activities linked to the development of the fisheries and aquaculture sectors, as judged necessary by the Government of Madagascar. The total cost of these grants may not exceed ECU 450 000. The grants may also be used in any other State linked to the Community by a Cooperation Agreement.

2. The amount referred to in paragraph 1 shall be payable as and when used.

### *Article 5*

Should the Community not make the payments referred to in Articles 2 and 3 of this Protocol, the Fisheries Agreement may be suspended.

### *Article 6*

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar is hereby repealed and replaced by the Annex to this Protocol.

### *Article 7*

This Protocol shall enter into force on the date of its signature.

It shall apply from 21 May 1995.

## ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
MADAGASCAR'S FISHING ZONE

## 1. Formalities concerning applications for, and the issue of, licences

The procedure for applications for, and the issue of, licences authorizing Community vessels to fish in Malagasy water shall be as follows:

- (a) through its representative in Madagascar, the European Commission shall present to the Malagasy authorities, at least 20 days before the beginning of the desired period of validity, a licence application completed by the shipowner in respect of each vessel for which authority to fish under the Agreement is requested. The application must be made on the form provided by Madagascar for this purpose, in accordance with the specimen given in Appendix 1; it shall be accompanied by proof of payment of the advance due from the shipowner;
- (b) the licence shall be issued for a specific vessel and shall not be transferable.

However, in the event of *force majeure*, a licence for one vessel may be replaced by a new licence for another vessel of similar characteristics should the European Commission so request. The owner of the vessel being replaced shall return the cancelled licence to the Malagasy Ministry with responsibility for sea fisheries via the Delegation of the Commission of the European Communities in Madagascar.

The new licence shall indicate:

- the date of issue,
- the fact that it cancels and replaces the licence of the previous vessel.

The fee provided for in Article 5 of the Agreement shall not be due for the remaining period of validity;

- (c) the Malagasy authorities shall send the licence to the representative of the Commission of the European Communities in Madagascar;
- (d) the licence must be kept on board at all times; however, on reception of notification of payment of the advance sent to the Malagasy authorities by the European Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Malagasy authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board;
- (e) owners of tuna boats must be represented in Madagascar by an agent;
- (f) before the entry into force of the Protocol, the Malagasy authorities shall supply full details of the bank accounts to be used for the payment of fees.

## 2. Validity of, and payment for, licences

- (a) Licences shall be valid for one year. They shall be renewable.
- (b) The fee shall be ECU 20 per tonne caught in waters under Madagascar's jurisdiction. Licences shall be issued on advance payment to the Malagasy Treasury of an annual sum of ECU 1 500 per tuna seiner and an annual sum of ECU 500 per surface longliner.
- (c) At the end of each calendar year, the European Commission shall draw up a final statement of the fees due in respect of the fishing year on the basis of catch declarations completed by each shipowner and confirmed by the scientific institutes competent for verifying catch statistics such as Orstom (Office of Overseas Scientific and Technical Research), IEO (Spanish Oceanographical Institute) or USTA (Antsiranana Tuna Statistical Unit). The statement shall simultaneously be notified to the Malagasy sea fisheries authorities and the shipowners. Shipowners shall make any additional payments to the Malagasy fisheries authorities within 30 days of notification of the final statement.

However, where the final statement is less than the abovementioned advance, the balance shall not be recoverable by the shipowner.

### 3. Declaration of catches

- (a) Vessels authorized to fish in Madagascar's fishing zone pursuant to the Agreement shall notify their catch statistics to the sea fisheries authorities, with a copy for the Delegation of the Commission of the European Communities in Madagascar, in accordance with the following procedure:

tuna seiners and surface longliners shall complete a fishing form corresponding to the specimen given in Appendix 2 for each period spent fishing in Madagascar's fishing zone. The form shall be sent to the competent authorities within 45 days of the end of fishing activities in Madagascar's fishing zone.

The form must be filled in legibly and signed by the captain of the ship.

- (b) In the event of failure to comply with these provisions, the Malagasy authorities reserve the right to suspend the licence of the offending vessel until the formalities have been completed. In such cases, the Delegation of the Commission of the European Communities in Madagascar shall be informed without delay.

### 4. Radio communications

The captain shall give notification, at least 24 hours in advance, either via the coastal radio station at Antsiranana or by telex or fax, of his intention of bringing his vessel into Madagascar's fishing zone.

The radio frequency and the telex and fax numbers to be used will be indicated on the licence.

### 5. Observers

At the request of the Malagasy authorities, tuna boats shall take an observer on board who shall be treated as an officer. The time spent on board by the observer shall be fixed by the Malagasy authorities, but, as a general rule, it should not exceed the time required to carry out his duties.

The conditions governing his embarkation shall be agreed between the shipowner or his agent and the Malagasy authorities.

The shipowner shall, via his agent, make a payment of ECU 10 to the Malagasy Government for each day spent by an observer on board a tuna boat.

Should a tuna boat with a Malagasy observer on board leave Madagascar's fishing zone, every step shall be taken to ensure that the observer returns to Madagascar as soon as possible, at the shipowner's expense.

### 6. Employment of seamen

At least two Malagasy seamen shall be employed by the tuna seiner fleet for the duration of the fishing season.

In the event that the seamen are not so employed, the shipowners shall pay the full amount of the wages of the seamen or seaman not employed; this sum is to be used for the training of Malagasy fishermen and shall be paid into an account whose number shall be notified to the agents.

The employment contracts for the seamen shall be concluded by the agents and the seamen concerned.

### 7. Fishing zones

Community vessels shall have access to all waters under Madagascar's jurisdiction outside the zone of two nautical miles.

Should the Malagasy authorities decide to install experimental fish concentration devices (FCDs), they shall inform the European Commission and the agents of the shipowners concerned, indicating the geographical position of the devices.

From the 30th day after such notification, it shall be forbidden to approach within 1,5 nautical miles of the FCDs. The dismantling of any FCD must be immediately notified to the same parties.

### 8. Use of port facilities

The authorities of Madagascar and the beneficiaries of the Agreement shall lay down the conditions for using port facilities.

### 9. Inspection and monitoring of fishing activities

Vessels holding a licence shall permit and assist any Malagasy official responsible for the inspection and monitoring of fishing activities to board the ship and carry out his duties.

**10. Transhipment**

When fish are transhipped, freezer tuna seiners shall hand over the fish which they do not intend to keep to a company or body nominated by the Malagasy authorities in charge of fisheries.

**11. Provision of services**

Community vessel owners operating in the Malagasy fishing zone shall practise positive discrimination in favour of Malagasy services (careening, handling, fuel-oil bunkering, consignment, etc.).

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*Appendix 1***APPLICATION FORM FOR A FISHING LICENCE**

1. New application or renewal: .....
2. Name and flag of vessel: .....
3. Period of validity: from ..... to .....
4. Name of shipowner: .....
5. Address of shipowner: .....  
.....
6. Name and address of charterer (if different from 4 and 5): .....  
.....  
.....
7. Name and address of official representative in Madagascar: .....  
.....
8. Name of captain: .....
9. Type of vessel: .....
10. Registration number: .....
11. External identification of vessel: .....
12. Port and country of registration: .....
13. Overall length and breadth of vessel: .....
14. Gross and net tonnage of vessel: .....
15. Make and power of main engine: .....
16. Freezer capacity (t/d): .....
17. Hold capacity (m<sup>3</sup>): .....
18. Radio call sign: .....
19. Other communications equipment (telex, fax): .....
20. Fishing appliances: .....  
.....
21. Number of crew broken down by nationality: .....  
.....
22. Number of fishing licence (in the case of a renewal, attach licence): .....  
.....

I, the undersigned, ....., certify that the above information is correct and undertake to comply therewith.

Stamp and signature of shipowner:

Date:

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4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W

5. The bottom line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded

6. All information reported herein will be kept strictly confidential

**Remarks**

1 Use one sheet per month, and one line per day  
2 At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain  
3 'Day' refers to the day you set the line.